

REMARKS

In response to the Advisory Office Action mailed October 6, 2004, and following on the Notice of Appeal filed September 30, 2004, applicant requests continued examination of claims 1-16 following entry of the new claims presented with this submission. The Advisory Office Action has maintained the rejection of claims 1-9 with relatively detailed discussion of the basis for rejecting claim 1.

New claims 10-16 presented in this response are directed to the capabilities provided by the downloaded server program, including those that are useful for wireless communications. Support for these new claims is found throughout the filed application and, for instance, specifically in paragraphs 26 through 30 of the published application.

The Advisory Office Action maintained its rejection of claims 1-9 under 35 U.S.C. § 103(a) as being unpatentable over "Focus on Open View A Guide to Hewlett-Packards Network and Systems Management Platform" published in 1995 ("HP Guide") in view of US Patent No. 5,909,437 issued to Rhodes et al. ("Rhodes"). Applicants respectfully traverse these rejections.

Advisory Office Action alleges that (i) the arguments presented by the applicant regarding the HP Guide are not persuasive; and (ii) the arguments relating to Rhodes are not relevant to the claimed subject matter. Applicant respectfully disagrees with both.

Applicant thanks the Examiner for issuing the October 6 Advisory Action clarifying that the Software Distributor is considered to be "a central application server program configured to be downloaded to one or more remote application server computers." Applicant, however, has been unable to locate language in HP Guide that would indicate downloading of the Software Distributor. The cited portions of HP Guide do not appear to disclose such a capability. Therefore, it is believed that there is no suggestion in HP Guide that the Software Distributor itself is downloaded as is required by rejected claim 1. Thus, the interpretation of the Software Distributor is based only on improper hindsight.

Indeed, there is no suggestion for the interpretation of the Software Distributor adopted by the Advisory Office Action since HP Guide itself notes, see, e.g., page 181, lines 15-17, in the event downloading is interrupted, manual intervention is

required, a limitation that makes the Software Distributor disclosed by HP Guide unsuitable for a network where one or more links may require wireless communication capability because wireless links are notoriously susceptible to disruptions. Be that as it may, the rejections should be withdrawn since HP Guide does not disclose the “central application server program configured to be downloaded to one or more remote application server computers.” As discussed later, Rhodes does not cure this deficiency of HP Guide.

As to wireless communications, new claim 10 summarizes some properties of the preferred embodiment of the claimed invention that are useful in the context of wireless links, such as seamless roaming across network subnets, session persistence through out of range conditions, session persistence through suspend/resume (battery management), compression for low bandwidth conditions, encryption capability, user authentication, and roamable virtual private network functionality. As would be readily noted, this recitation is not exhaustive being based merely on the illustrative preferred embodiment of the invention.

In section 2, the Advisory Office Action alleges that the inherent limitation of Rhodes, which limits itself to fixed subscriber locations by excluding mobile wireless devices, is not directed toward claimed subject matter. Applicant respectfully disagrees and requests reevaluation of this allegation in view of the plain recitation of ‘one or more portable devices’ in claim 1. Such portable devices correspond to the mobile devices contrasted with the fixed subscriber locations by Rhodes. Therefore, the Rhodes is not a suitable reference for rejecting claim 1 since its disclosure is not even directed to the portable devices recited in claim 1.

Claims 8 and 9 have been rejected on grounds similar to those forwarded for rejecting claim 1. Therefore, in view of the demonstrated patentability of claim 1, claims 8 and 9 also patentable.

Since the combination of the Rhodes with HP Guide also fails to teach, disclose or suggest all of the limitations of the claimed invention, all of the pending claims 1-16 in the present application should be allowed without delay. Therefore, applicant respectfully requests that claims 1-16 including patentable independent claims 1, 8 and 9 and claims dependent upon them be allowed.

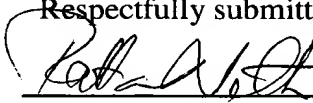
Application No. 09/931,425
Advisory Office Action mailed October 6, 2004
Request for Continued Examination of November 30, 2004

In light of the above, it is respectfully submitted that the present application is in condition for allowance. Favorable disposition is respectfully requested.

No fees other than those required for the filing of the Request for Continued Examination are estimated to be due with this response since it is being filed within two months of filing the Notice of Appeal. Please charge any additional required fees to Jones Day Deposit Account No. 50-3013. Please do not hesitate in calling the undersigned, should there be any need for clarifications.

Date November 30, 2004

Respectfully submitted,



Rattan Nath (Reg. No. 43,827)

for

Ognjan V. Shentov (Reg. No. 38,051)

JONES DAY
222 East 41st Street
New York, New York 10017-6702
(212) 326-3939